

REMARKS

Applicants request reconsideration on the grounds that the Examiner's broad interpretation of the Penny reference is improper. As previously stated, Penny does not teach or suggest use of a navigational receiver as that term is broadly defined in Applicants' specification. It also failed to teach other limitations the Examiner asserts to be found therein. Consequently, the rejections should be withdrawn.

In addition to lacking the teaching of a navigational receiver, Penny categorically does not suggest voice activation of transmission. As previously stated, there is no reason to read the microphone, which precedes both the speaker and the display, as initiating transmission upon voice command or excited utterance. That is pure speculation and there is no such disclosure in Penny. Indeed, in Penny, it is clearly the case that only the "panic" button is used to initiate transmission.

Not only can a rejection not be based on the Examiner's speculation or hindsight reading of Penny in light of Applicants' own teaching, but also it cannot be based on a reading expressly unsupported by the reference itself.

Applicants also disagree with the Examiner's conclusion that Penny discloses, with Piri, the limitations of claim 8 because, in contrast with Penny, the remote unit of claim 8 does not complete a determination of geo-location but, rather, transmits what Applicant has called "intermediate navigational information" to another part of the system, along with a precise time-of-day. Thus, the actual determination of geo-location is completed outside of the remote unit, using such data. Penny, by contrast, is only capable of transmitting local position. Furthermore, the coarse TOD information described by Penny is for the purpose of aiding the satellite communication channel, and has no bearing on Penny's location determination.

Further, as previously stated, Applicants disagree with the Examiner's characterization of the Penny reference relative to claim 9 as Penny does not teach or suggest

providing “calculated time delay of arrival location information.” The Examiner fails to credit the claim limitation and overcredits the reference, leading to an erroneous conclusion.

Regarding claim 10, Applicants disagree with the Examiner’s conclusion that Penny teaches that the radio transmitter is a cellular telephone. It is true that Penny uses the term “cellular”, but the use of that term is a misnomer. Penny is a satellite-based communication system and mobile units communicate with a ground station only through satellites. In the normal use of the term “cellular” relative to wireless telephone systems, and as used in the instant application, a cellular telephone communicates with cellular base stations which are land-based and typically spaced apart by just a few miles. Such cellular base stations then typically interface directly with the wired public switched telephone network, and with other cellular base stations nearby. The only analogy to Penny - and it is a weak analogy - is obtained by characterizing the satellites as base stations. However, the location of a cellular base station is always known and fixed, while the location of a low Earth orbiting (LEO) satellite is always changing and requires calculation. At different times of the day, a satellite telephone such as described in Penny, in a given location communicates via different satellites. Consequently, the analogy falls apart, and Penny misuses the term “cellular” and does not, in fact, disclose the limitations that are claimed by Applicants.

Applicants adopt or re-adopt for the record Applicants’ prior comments regarding Penny to

the extent they are not repeated herein, and direct the Examiner to their previous response.

In view of the above argument, Applicant believes the pending application is in condition for allowance.

Dated: June 28, 2006

Respectfully submitted,

By 
Steven J. Henry
Registration No.: 27,900
WOLF, GREENFIELD & SACKS, P.C.
Federal Reserve Plaza
600 Atlantic Avenue
Boston, Massachusetts 02210-2206
(617) 646-8238